

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TREMONT REALTY CAPITAL, INC.,

Plaintiff,

v.

PINNACLE GROUP, LLC, ADAMS
CANYON RANCH, LLC, JOHN LANG,
and MICHAEL GRADY,

Defendants.

and

Civil Action No. 04-11853-RGS

PINNACLE GROUP, LLC, ADAMS
CANYON RANCH, LLC, JOHN LANG,
and MICHAEL GRADY,

Counterclaim Plaintiffs,

v.

TREMONT REALTY CAPITAL, INC.,

Counterclaim Defendant.

and

PINNACLE GROUP, LLC, ADAMS
CANYON RANCH, LLC, JOHN LANG,
and MICHAEL GRADY,

Third-Party Plaintiffs,

v.

FORTIS ADVISORS, LLC,
TREMONT-FORTIS REALTY CAPITAL,
LLC, RUSSELL POSORSKE, RICHARD
C. GALLITTO AND DANIEL O. MEE

Third-Party Defendants.

AFFIDAVIT OF EDWARD KOBEL

I, Edward Kobel, do hereby depose and state as follows:

1. My name is Edward Kobel. I am submitting this affidavit in support of the Counterclaim Defendant's and Third Party Defendants' Opposition To Motion For Leave To Admit, *Pro Hac Vice*, John R. Politan To The Bar Of The United States District Court For The District Of Massachusetts. These statements are offered for this purpose and this purpose only, and they should not be construed as a waiver of any challenge to personal jurisdiction over me or any other defendants by the United States District Court for the District of Massachusetts.

2. All statements in this affidavit are based on my personal knowledge.

3. I am the managing member of a limited liability company known as Fortis Advisors, LLC ("Fortis"), currently named as a Third Party Defendant in the above-referenced civil action. Russell Posorske ("Posorske"), an individual also named as a Third Party Defendant in the above-referenced civil action, is also a member of Fortis.

4. I have known John R. Politan, Esq. ("Attorney Politan") since 1991. Attorney Politan performed the legal work necessary to establish Fortis, and currently serves as the statutory agent for Fortis. He has represented Fortis in business matters throughout Fortis's existence, and I still consider him the company's counsel.

5. In addition to his work for Fortis, Attorney Politan has represented both me and Posorske individually on numerous occasions over the past 15 years.

6. Prior to the institution of this litigation and, indeed, within the past two months, I have discussed this litigation with Attorney Politan, and we shared our thoughts with each other on both the merits of the case and on the potential for settlement between the

parties. Attorney Politan and I had informal, but in-depth conversations about the settlement of this litigation.

7. I have not terminated Fortis's professional relationship with Attorney Politan and I still consider Attorney Politan to be mine and Fortis's legal counsel. I have not granted Attorney Politan a conflict of interest waiver in this or in any other matter, nor do I intend to do so.

Signed under the pains and penalties of Perjury this 5th day of July 2005.

/s/ Edward Kobel
Edward Kobel